

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

LEVERNIER CONSTRUCTION INC,
a Washington corporation,

Plaintiff,

v.

LIBERTY SURPLUS INSURANCE
CORPORATION, a foreign insurance
company,

Defendant/Third-Party Plaintiff,

v.

CONTINENTAL WESTERN
INSURANCE COMPANY,

Third-Party Defendant.

NO: 10-CV-0367-TOR

ORDER OF DISMISSAL WITH
PREJUDICE

BEFORE THE COURT is the parties' Stipulated Motion to Dismiss (ECF No. 61). The parties have agreed that Plaintiff Levernier's Complaint against LSIC be dismissed with prejudice; that Defendant/Third-Party Plaintiff LSIC's Third-Party Complaint against Continental be dismissed with prejudice; that Third-

1 Party Defendant Continental's Counterclaims against LSIC be dismissed with
2 prejudice; and that each party bear their own costs and attorneys' fees. Pursuant to
3 the parties' stipulation, the Court will dismiss this case with prejudice and without
4 costs or attorney's fees to any party. Fed. R. Civ. P. 41(a)(1)(A)(ii) and (c).


5 **ACCORDINGLY, IT IS HEREBY ORDERED:**

6 Pursuant to the parties' Stipulated Motion to Dismiss (ECF No. 61), all
7 claims and causes of action in this matter are **DISMISSED** with prejudice and
8 without costs or fees to any party. Any pending motions, deadlines, hearings and
9 trial are **VACATED** as moot.

10 The District Court Executive is hereby directed to enter this Order, furnish
11 copies to counsel, and **CLOSE** the file.

12 **DATED** September 20, 2013.




THOMAS O. RICE
United States District Judge